

## ZONING BOARD OF APPEALS

The hearing on Tuesday, August 5, 2025, is called to order by Chairman Kwiek at 7:04 pm.

Members Present:	Harry Kwiek Greg Kalinowski Shawn Pralow John Jimenez Jim Lembke, Alternate	Absent:	Robert Schafer, Alternate Ray Balcerzak, Building Inspector
Also:	Phyllis Todoro, Town Atty.		

Appeals Case #1487 for Thomas and Mary Hoag of 3220 Ransom Road, Lancaster, NY, who is requesting an area variance to create a non-conforming lot. §100-3, Residential C.

Mr. Kalinowski made a clarification that the property in this case pertains to land running along Hall Road in the Town of Elma.

Ms. Hoag explained that the property was originally on Hall Road for 35 years. Approximately 3-4 years ago, a driveway was put in from Ransom Road, and the address was changed from 2876 Hall Road to 3220 Ransom Road. The old driveway made it nearly impossible to find the property for ambulances, delivery trucks, and mail services. Potentially wanted to build a smaller house, but the problem is that the house faces Hall Road. If you came through the Ransom driveway, it would cut into the yard of the property. With 2 ½ acres, it is not feasible with the trees on the property.

Mr. Kwiek looked at hand drawn property map, questioning if it would be a tiny parcel and asked if the distance from the fence to the back of the house was 84'.

Ms. Hoag said there is a flower garden and shed would be cut off and belong to other house.

Mr. Jimenez asked if they were proposing 84' x 90', is that cutout to stay with the existing house.

Ms. Hoag replied yes, 84' cut off is to the property line.

Mr. Hoag replied 90'

Mr. Jimenez asked if they could clarify 150' to where the fence is, did they write 257'. Are they proposing a new home there or the back portion?

Ms. Hoag replied that the new home would be built where the fence starts on the property.

Ms. Todoro asked if they guessed the measurements on the drawing they presented.

Ms. Hoag replied no, they knew what portions would be cut off, and they did take the measurements themselves.

Ms. Hoag showed Mr. Kwiek the drawing to explain how the property is laid out on the original survey.

Mr. Kwiek verified the back of the house to the property line, asked for fence dimensions.

Ms. Hoag replied that 84' is only where she measured, so that would be divided.

Ms. Todoro asked what the footage of the current house to the proposed lot is.

Ms. Hoag replied, 10' maybe and drops to the ravine.

Mr. Jimenez asked in relation to the breakout, and they answered to build. If the town approved, what would that do?

Ms. Todoro replied, it would make a non-conforming lot.

Mr. Jimenez explained creating potential problem areas in the backyard. Have 2 acres remaining, 60' between fence and lot line for a good 90'. That is where it creates the uniqueness of the lot. If you are going to look to sell it off, it would create a potential issue now or down the road. To clarify what was different, it was mentioned there were slopes in the back that would impact?

Mr. Hoag replies Yes, creek and ravine.

Ms. Hoag stated in the blue square on her hand-drawn plan of the 5 acres, the only place to build, other than the little driveway that goes out to Ransom Road. The only other place is the woods. The treed area runs into a ravine.

Mr. Jimenez asked if they were trying to split off and build on that property. What hardship is created?

Mr. Hoag replied Yes, it is a hardship since there is no other option to build on the property.

Mr. Jimenez said the hardest part is that the property and request is very unique and the board would have to make a very good decision as to why, the requirement is 150' at minimum to 350'. Asked if taking down the fence was an option.

Ms. Hoag replied no, hard to sell with the size of the yard. It would be small for a country lot, maybe smaller than a city lot.

Mr. Lembke asked if removing the trees would create space for a second lot that would not be a flag lot. Where would the house be built?

Ms. Hoag replied on Ransom Road.

Mr. Lembke asked the distance off Hall Rd from Ransom Road, 300'?

Ms. Hoag replied 515' to our property line from Hall Road.

Mr. Pralow asked how many times the property has been split.

Mr. Hoag replied once since they owned for existing home.

Mr. Pralow has at least 5 times since existing. Ms. Hoag guesses since the history of the property.

Mr. Pralow said drawing looks like 231' (153' +70'). Fence in front of the driveway, outside of house area. Depicts the fence is on both sides of the house, from the drawing at the hall to the house? It is difficult to measure without actual measurements on a drawing.

Mr. Kalinoski acknowledged that they split the property once. Would not have further questions since the lack of detail on the survey. The drawing presented is not clear enough.

Mr. Hoag asked if they got a professional survey, would they be approved?

Mr. Pralow explained a clear survey would give better measurements and the possibility to see other options of building.

No one spoke in favor of the variance.

Against the variance.

Michael and Tasha Harrington of 3216 Ransom Road. They live behind the 3220 Ransom Road property.

Mr. Harrington explained they live in the original property. Concern is proposed lot, it would be two compromised lots. Ransom is wooded the whole way down and it was understood when we bought our property that nothing could be subdivided. Now a house being built by the road and two compromised lots, we are not in favor.

Mr. Kwiek asked if the Harrington's property was on Hall Road, west of that driveway heading toward Schwartz

Mr. Harrington replied no, they were to the south (left) at the end

Mr. Kwiek asked the split would be next to you to the north? Mr. Harrington replied yes.

Mr. Jimenez made the motion for Appeals Case #1487 for Thomas and Mary Hoag of 3220 Ransom Road, Town of Elma, NY, who is requesting an area variance to create a non-conforming lot. §100-3, Residential C., to be denied.

1. This request can be achieved in other ways, it does not conform to Elma code or comprehensive plan of required 150' and 350' depth. It would be detriment to nearby properties .
2. The benefit sought by the applicant to allow less than the required footage and depth which is contrained by code could be achieved by removing the fence on the new lot.

3. The request is a substantial variance is 90' x 84' (approx 7560 square feet).would create a substantial variance of over 50% to what we require would not meet Elma's code or Comprehensive Plan..
4. The proposed area variance relief will have no adverse effect on the health and safety of neighbors. But could be an environmental or general wellfaer of the neighbors present that is not thrilled with this proposal.
5. The hardship is self-created because the current owner wants to split off a lot that is non-conforming lot.

Motion to decline variance to create a non-conforming lot.

Second: Mr. Pralow

Yes: 5. Nays: 0

Denied

Mr. Jimenez made the motion to approve the minutes for June 5, 2025 and July 10, 2025.

Second by Mr. Lembke

Yes 5. Nays: 0

Approved

Mr. Kwiek made the motion at 8:23 PM to end the meeting.

Second by Mr. Lembke.

Yes: 5 Nays: 0.

Respectfully Submitted,

Christine Zeitler

Zoning Board Secretary